

### REMARKS

Applicant thanks the Examiner for the thorough consideration given the present application. Claims 1, 2, and 4-20 are currently being prosecuted. The Examiner is respectfully requested to reconsider his rejections in view of amendments and remarks as set forth below.

#### Allowable Subject Matter

It is gratefully acknowledged that the Examiner considers the subject matter of claim 12 as being allowable and the subject matter of claims 4, 8, 10 and 15 as being allowable if rewritten in independent form. However, these claims have not been rewritten since Applicants believe that they depend from an allowable independent claim.

#### Information Disclosure Statement

Applicant submitted an Information Disclosure Statement on May 9, 2001. An initialed copy of Form PTO-1449 has still not been received from the Examiner. A request for the initialed form was filed on April 22, 2002. This request was repeated in the Amendment of April 29, 2003. The Examiner contacted Applicant's attorney and requested a copy of this Information Disclosure Statement so that it could be initialed and returned. This was submitted by fax to the Examiner on July 9, 2003. However, an initialed copy has still not been received. Applicant is attaching hereto another copy of the original PTO-1449 form and again request the Examiner to provide an initialed copy of this form.

Rejections Under 35 USC §103

Claims 1, 2, 5, 9, 16-18 and 19 stand rejected under 35 USC §103 as being obvious over Stein et al in view of Brown. Claims 6, 7, 11, 13, 14, 17 and 20 stand rejected under 35 USC §103 as being obvious over Stein et al. These rejections are respectfully traversed.

First, Applicant questions whether the Examiner meant to include an additional reference in the second rejection. The rejected claims are all dependent claims yet the claims on which they depend were rejected over a combination of two references. Applicant does not understand how — these dependent claims can be rejected over only one of the references applied against the independent claims from which they depend.

Secondly, in regard to claim 5, the Examiner has referred to page 203 of a reference. — However, the Brown reference is only a few pages long and the Stein reference only includes cover pages, and pages 321, 322 and 433. The Examiner is requested to specify where this page occurs.

The Examiner relies on Stein et al to show a building having various climates separately regulated by local systems. The Examiner admits that Stein et al does not teach winter temperatures. The Examiner relies on the Brown reference to teach the use of winter temperatures in one separate space. The Examiner feels that it would have been obvious to have winter temperatures in a separate space as shown in Brown within the structure of Stein et al for the enjoyment of winter activities indoors.

Applicant disagrees with the Examiner's understanding of the references. First, the Brown reference does not show a zone having winter temperatures for winter activities indoors. Brown teaches a freezer for storing meat. There is no teaching of using such a space for living or winter — activities.

Also, while Stein et al does show a building having different zoned heating spaces for different purposes, there are relatively small changes in temperature between zones and not separate climates. Applicant submits that Stein et al does not disclose the structure of the climates in separate spaces which mimic mutually differing geographically related climatologically conditions with at least one corresponding to the winter climate of Nordic areas. Further, Applicant does not understand any motivation for one skilled in the art to utilize the teachings of Brown to establish a winter activities indoors within the Stein et al structure. Applicant admits that it would be obvious to include a freezer for storing meat or similar purpose within a building used for apartment or office space. However, Applicant submits that it would not be obvious to use such a space for Nordic climates for human activities.

Claim 1 now describes a spacial structure having open unitary interior spaces separated from the ambient with several partially closed spaces for human activities, with the climate in the separate spaces being separately regulated to mimic differing geographically related climatological conditions for the activities, including the climatological condition of winter conditions in Nordic or Artic areas. Applicant admits that neither Stein et al nor Brown nor their combination teach such a combination of elements. While separately controlled living spaces within an apartment building or similar building are known, these do not mimic differing geographically related climatological conditions and especially do not include such conditions corresponding to winter conditions in Nordic or Artic areas. Applicant submits that claim 1 is not shown by this combination of references and accordingly defines thereover. Likewise, claim 9 presents a method claim similar to apparatus claim 1 and describes the presentation of different geographically related climatological conditions

including winter conditions of Nordic or Artic areas with human activities or functions corresponding to the various conditions. Accordingly, claim 9 is likewise allowable.

The remaining claims depend from claims 1 and 9 and as are such are also considered to be allowable. In addition, many of these dependent claims also include features not shown in the references. For example, the Examiner admits that the features of claim 4, 8, 10, and 15 are not seen in the references. The Examiner's comment regarding physical education is not understood in regard — to the references. In regard to claims 7, 11 and 17, the Examiner states that it would be obvious to regulate temperature in apartments to mimic the seasons. Applicant submits that this is not obvious at all. Typically, apartments have a climate which resembles none of the four seasons or at best a moderate temperature which is the average of the seasons. Applicant is unaware of any apartment — which is heated to summer temperatures or cooled to a climate resembling winter in northern areas. Normally, apartments avoid such extremes. Regarding claim 16, the Examiner concedes that it would be obvious to include a freezer as shown in Brown. However, claim 16 refers to a first main section of the building which in claim 1 is arranged for human activities. Applicant is unaware of any freezer that is used for human activities. Other than cold storage for meat or similar products, freezers are almost never utilized. Accordingly, Applicant submits that these claims are additionally allowable.

Furthermore, the Examiner believes that Stein et al shows a building having separate thermal zones used for different functions such as living, working, commerce, etc. The Examiner also believes that it is obvious to utilize a freezer to achieve Artic conditions in one of said zones. However, it does not appear that this reference discusses physical spaces defined by walls and roofs

and is only directed to the function of certain heating and cooling equipment commonly used for zone control in buildings.

Furthermore, Applicant disagrees with the Examiner that it would be obvious to develop a building for spending leisure time and presenting geographically related climatological conditions based on the freezer shown in Brown and the standard building shown in Stein et al. Further, the use of a freezer as shown in Brown in order to achieve winter conditions would not be obvious since the build up of frost or snow in any freezer is considered a drawback and is normally avoided. In fact, the buildup of frost is one of the problems that Brown tries to solve. In the present invention, the buildup of frost to achieve Artic conditions is a desirable thing. In view of this, Applicant submits that the present invention defines over this combination of references.

#### Conclusion

In view of the above remarks, it is believed that claims clearly distinguish over the patents relied on by the Examiner either alone or in combination. In view of this, reconsideration of the rejections and allowance of all the claims is respectfully requested.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Robert F. Gnuse (Reg. No. 27,295) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

Pursuant to the provisions of 37 C.F.R. §§ 1.17 and 1.136(a), the Applicant respectfully petitions for a two (2) month extension of time for filing a response in connection with the present application and the required fee of \$210.00 is attached hereto.

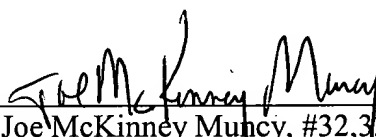
Response filed December 16, 2003


Appl. No. 09/831,279  
Atty. Docket: 1390-0124P

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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1390-0124P

Attachment: Original PTO-1449 dated May 9, 2001

(Rev. 09/30/03)